

Sovereign Nations

NEWSLETTER OF TRIBAL SELF-GOVERNANCE

Nov./Dec.
1996



Department of the Interior (DOI) Fall Self-Governance Conference: Focus on Negotiated Rulemaking

The DOI Fall Self-Governance Conference held November 19-20, 1996, in New Orleans, LA, provided for a detailed briefing of the proposed draft regulations developed over the past 1-1/2 year by the Joint Tribal/Federal Negotiated Rulemaking Committee. The Conference was well attended with over 300 participants during the 2-day meeting. In addition to the negotiated rulemaking update, other agenda topics included panel presentations on: (1) the DOI Trust Evaluation Process; (2) Self-Governance Reporting Requirements; (3) Report on Eligible Non-BIA Programs; and, (4) National Election Results Analysis.

In his opening remarks, BIA Deputy Director Michael Anderson stated that... "by any standard, the process of Negotiated Rulemaking has been successful due to the leadership of those involved." The Self-Governance Negotiated Rulemaking Committee met over a 15-month period beginning in May 1995. The Committee included 13 representatives (2 federal and 11 Tribal). The issues and proposed draft regulations were divided into five separate sub-workgroups. A summary of the workgroup agreements and outstanding issues follows:

WORKGROUP #1

Selection of New Self-Governance Tribes

- Consensus reached on selection process and eligibility criteria that the Secretary uses to select new Self-Governance Tribes.

Selection Criteria for Planning/Negotiation Grants

- Consensus reached on the availability and process of applying for planning and negotiation grants.

WORKGROUP #2

BIA Annual Funding Agreements

- Drafted definitions and components of Annual Funding Agreements including residual and Tribal shares.
- Provides for inclusion of Title I provisions.
- Provides for multi-year funding agreements.
- Provides for establishment and adjustments to base budget funding.
- Provides for the grandfathering of existing base budgets.
- Provides a process to determine "adverse impact".

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Non-BIA Annual Funding Agreements

- Disagreement between Tribal team and Federal team as to whether the inclusion of non-BIA programs is a "only negotiate" requirement or a "negotiate and enter into" requirement by the DOI Secretary.
- Disagreement between Tribal team and Federal team on the use of "discretion" regarding non-competitive award.
- Provides for definition of "special geographic, historical or cultural" programs.
- Provides for indirect costs and contract support provisions.

WORKGROUP #3

Self-Governance Compact

- Drafted provisions concerning the negotiation of a Compact including applicability of Title I provisions and the grandfathering of existing Compacts.

Negotiation Process

- Provides process and timelines for the negotiation of Annual Funding Agreements and Compacts.
- Provides a process for Tribal request for information necessary to conduct negotiations.
- Provides a process for the timing of signatures and the execution of "successor" Annual Funding Agreements.
- Provides for provisions to address failure to reach an agreement and complete negotiations.

Third-Party Consultation Process

- Defines how and if individuals and groups outside the Tribe and DOI participate.
- Outlines the role of Tribes in consultation process.

Pre- and Post-Award Appeals

- Disagreements exist regarding what are "mandatory" programs, which the Secretary must negotiate versus "discretionary" programs which the Secretary can refuse to negotiate.
- Standards for decision-making.
- Disagreement over process Secretary uses to justify decisions.

WORKGROUP #4

Tort Claim

- Consensus reached on applicability of the Federal Tort Claims Act and covers the claims arising out of the performance of functions under Self-Governance and procedures for filing claims.

Construction

- Consensus reached on BIA and non-BIA construction programs.

Property Donation

- Tribal team disagreed with the final regulations which are based on Title I.

WORKGROUP #5

Trust Evaluation

- Consensus reached on description of how trust responsibility of the United States is maintained through a system of trust evaluations performed by Tribes.

Retrocession

- Consensus reached on the process for voluntary return by a Tribe to the BIA of a program, service, function, or activity, in whole or part, operated under an Annual Funding Agreement prior to the expiration of the agreement.

Reassumption

- Consensus reached on the process the Secretary exercises in assuming or reassuming control or operation of a program, service, function or activity without the consent of the Tribe. This section includes a definition of "imminent jeopardy".

Waiver

- Consensus reached on process to waive regulations governing the operation of programs, services, functions or activities.
- Disagreement over the process of automatic approval for failure to respond to waiver request.

Conflicts of Interest

- Disagreement between federal and Tribal teams. Both positions will appear in preamble.

Miscellaneous Provisions

- Addresses financial management provisions.
- Application of Prompt Payment Act.
- Tribal retention of savings and carryover funds.
- Provisions for withdrawal of Tribes from a consortium AFA.

It is anticipated that the proposed draft regulations will be published in the federal register by late winter 1997. Following a 90-day comment period, the Committee will re-convene to review those comments received with potential publication of final regulations later in 1997. If you have any questions regarding the status of the Self-Governance Negotiated Rulemaking Committee and documents, please contact Cyndi Holmes, Self-Governance Coordinator, Jamestown S'Klallam Tribe (Committee Recorder), at (360) 681-4612.

Preserving Tribal Sovereignty and Treaty Rights Into The 21st Century



The following are excerpts from a speech given by Dale Risling, Sr., Hoopa Valley Tribal Chairman on October 22, 1996, during the National Congress of American Indians (NCAI) 53rd Annual Convention held in Phoenix, AZ. The theme of the NCAI Annual Convention was "Victory in Unity". Chairman Risling was one of the Tribal leaders who participated on a panel on Tribal Sovereignty and Treaty Rights. In a very moving and eloquent presentation to the General Assembly, Chairman Risling outlined nine areas that he believes will assist Tribes in meeting the challenge of protecting and preserving Tribal sovereignty and treaty rights. His comments include:

1. **Participating in the Political Process.** "Contact state and federal candidates – get to know them and increase their knowledge about Indian issues. Contribute to and participate in their campaigns."
2. **The 105th Congress.** "Congress must strengthen its internal rules to assure that the Committees with substantive jurisdiction over Indian matters are not circumvented by the maneuvering of others." "The Chairman and professional staff of the Senate Indian Affairs Committee and the House Native American Affairs Committee have tried hard to spot anti-Tribal issues in legislation, such as the proposed wholesale repeal of the Indian Child Welfare Act early this year, but Tribes must be constantly on the alert to monitor Congressional actions."
3. **The White House.** "A special non-partisan Office of Trust within the Executive Branch has often been suggested." "Perhaps this Office could serve as the contact point for Tribal requests to veto anti-Indian bills and to assure that the federal government upholds its trust obligations to Tribes." Expansion of Self-Governance to other Federal

Agencies. "Public Law 103-413 provided for permanent Self-Governance legislation within the Department of the Interior. Now is the time to think about expanding this initiative into other federal agencies including the U.S. Department of Housing and Urban Development, Department of Transportation and the Environmental Protection Agency." Implementation of the Indian Gaming Regulatory Act. "President Clinton... informed New Mexico Tribal leaders

"To Tribal nations and their governments, sovereignty is sacred. It is the basis and foundation of our governmental power and authority."

that he could not resolve Indian gaming issues because they are in the courts. Rather, the Department of the Interior (DOI) should promptly adopt regulations permitting Class III compacts to be approved by the DOI Secretary in cases where States refuse to negotiate in good faith." "Gaming is a powerful revenue source for Tribes and States alike, and it should not be frustrated by recalcitrant States."

6. **Planning Beyond the Bureau of Indian Affairs (BIA).** "Is the BIA a dying agency? Years of bad press, insufficient appropriations, and instances of awful neglect, have fatally wounded the BIA." "Congress must establish a system that will efficiently and competently carry out the United States' legal duties to Indian Tribes and individuals." "We must also recognize that some Tribal entities are not prepared for Self-Governance Compacting and Self-Determination

Contracting. Congress must not require Tribes to take over services that the United States would otherwise perform for the benefit of Indians."

7. **Adequate funding in the Department of Justice.** "We must put an end to the under funding of Indian programs within the Department of Justice. The Department allocates so few positions to the Indian Resources Section, that lawyers are unable to carry out federal trust responsibilities in cases brought on behalf of Tribes and individual Indians."
8. **Development of Tribal Court Systems.** "Assistance is required in the further development of Tribal Court Systems. Tribal courts are a key component of Tribal success."
9. **Meeting the challenges offered by Self-Governance.** "Hostile events forced the Hoopa Tribe to choose between Self-Governance and termination." "Now we have a new challenge – making our Tribal government more efficient and distributing resources that meet the needs of our people. To do this – we must examine why programs exist in their present form, determine if regulations are barriers to the advancement of our governments, and then get these regulations waived or the underlying statutes amended. This is the challenge of reinventing government at the Tribal level. Tribes must meet this challenge."

"To Tribal nations and their governments, sovereignty is sacred. It is the basis and foundation of our governmental power and authority. It gives us the right to establish courts, provide law enforcement, regulate land use and natural resources, impose taxes and engage in a host of other governmental activities."

*Dale Risling,
Hoopa Valley Tribal Chairman
October 22, 1996*



Now that BIA Self-Governance has been permanently legislated and enhanced with Title IV, there is much discussion around the issue of permanent legislation for IHS Self-Governance, which is still a Demonstration Project authorized under Title III of the Indian Self-Determination and Education Assistance Act. Sovereign Nations submitted questions to Myra Munson of Sonosky, Chambers, Sachse & Endreson and Paul Alexander of Alexander & Karshmer. Both attorneys provide legal and technical services to many Self-Governance Tribal clients and have been active in the development of draft IHS permanent legislation, referred to as Title V.

1. What are the main issues for permanent legislation of IHS Self-Governance? Please list some of the key components of the proposed legislation. Does the proposed legislation include any clarification of such issues as base budgets, contract support (what is and what isn't eligible), model Compacts and Funding Agreements, adverse impacts, and reprogramming of Tribal shares?

Many of the key points of DOI Self-Governance legislation, Title IV (which Tribes consider favorable) will be included in the new legislation for IHS. Some helpful features will include a definitions section to address critical issues like residuals and tribal shares. However, there are four major issues, as yet unresolved:

1. Whether to include programs other than those that can be contracted under Title I of the Act - The permanent DOI Self-Governance legislation (Title IV) did expand the program, but in a way that has been extremely difficult to implement.

2. Whether to limit the number of new Self-Governance Tribes to a certain number each year or to open the program to all Tribes immediately - Title IV still limits the number of Tribes to allow for more manageable transition. Given the rights under Title I, Tribes may

now elect to contract "Tribal Shares" which may change the rationale behind the limit on Tribes entering Self-Governance.

3. Whether the Office of Tribal Self-Governance should be moved from IHS to the Secretary's Office - There is unanimity about the responsibility OTSG should have to advocate for Tribes in the Self-Governance process. The question remains as to where the Office should reside to maximize Tribal advocacy and to ensure accountability.

4. Whether a Model Compact and/or Funding Agreement should be included - Title I now includes a Model Contract - There is agreement that Self-Governance Tribes should have all the benefits of that contract and other provisions of Title I. The pros and cons of whether to put the form of the agreement into the law are still being discussed. The advantage is the simplicity and the binding effect on the Federal agency. The disadvantage is that the Federal agency may treat it as a set agreement not subject to genuine government-to-government negotiations about other terms.

2. Are there any main differences or enhancements to the IHS version of Self-Governance versus Title IV, the permanent BIA Self-Governance legislation?

In the course of drafting the IHS permanent legislation, there is consensus among Tribal leaders that one of the major objectives of new legislation should be to eliminate uncertainty about appeals that plague the permanent DOI legislation. In addition, correcting other problems in Title IV that were identified in the negotiated rulemaking is a priority. In large part, the Tribal experiences in developing and passing Title IV coupled with the extensive Title IV rulemaking process has effected the thinking concerning Title V. If possible, Title V should include more detail than Title IV and will leave fewer issues to the regulatory process.

3. Is the enactment of the Title V legislation a certainty or is there a strategy the Tribes should develop?

Introduction and enactment of legislation are not guaranteed. Consultation with the new leadership and key staff of the Senate Indian Affairs Committee is needed. After last year's difficult Congressional session, Tribal leadership will need to be sure that there is adequate support for the legislation and that it will not be turned into a vehicle for harmful legislation by members of the Congress who are hostile to Tribes.

It should also be noted, that not every issue that comes up under Title I or III can be solved with new legislation. To attempt so would bog the bill down within Indian country, let alone in the Congress. Thus far, work on Title V has proceeded from the premise that obtaining permanent legislation is an important goal in and of itself and should not be compromised by trying to attain too much.

4. What can Tribes do to help ensure the enactment of permanent legislation?

It is likely that more discussions about the permanent legislation will be occurring during the week of January 20th when Tribal leaders are in Washington DC for NCAI meetings. Tribes can be helpful by sharing their ideas and concerns. It is important that there be Tribal support for the legislation. If a bill is introduced, Tribes will be asked to communicate their support to the sponsors and Indian Affairs committees and to work with their own Congressional delegation to increase support for the bill.

As a final note, it goes without saying, that the Self-Governance Tribes need to encourage communication and participation from non-Self-Governance Tribes to ensure legislation which is fair to all Tribes.

For more information or to share ideas or concerns, contact Maureen Kinley of the Self-Governance Communication and Education Project at 360/384-2301.

Update on the IHS Tribal Self-Governance Advisory Committee (TSGAC)

from Governor Larry Nuckolls, Absentee-Shawnee Tribe TSGAC Chairman



Governor Larry Nuckolls

The Tribal Self-Governance Advisory Committee (TSGAC) was organized during the Spring of 1996 to address Self-Governance implementation and key policy issues between the Indian Health Service (IHS) and the Tribes participating in Self-Governance with the IHS. Delegates and alternate members of the TSGAC were chosen by the Self-Governance Tribes attending the HIS Self-Governance Conference held in Las Vegas, NV in April 1996.

During its first formal meeting in June 1996, organizational protocols were established for conducting business. Larry Nuckolls, Governor of the Absentee Shawnee Tribe of Oklahoma was elected to serve as the TSGAC Chairman. Mr. Henry Cagey, Tribal Chairman of the Lummi Indian Nation was elected as the TSGAC Vice-Chairman, while Ms. H. Sally Smith, President of Bristol Bay Area Health Corporation was elected TSGAC Secretary. Two of the committee protocols include: (1) the requirement of the presence of a quorum; and (2) a consensus approach for decision-making. However, the TSGAC continues to promote that any position that it takes will not have a negative impact on any other Tribe. The TSGAC position is that only an individual Tribe can commit or bind itself to a certain position, but not on behalf of the Committee. Both Dr. Michael Trujillo, IHS Director, and Ms. Paula Williams, Director, Office of Tribal

Self-Governance (OTSG), have participated in all TSGAC meetings.

The TSGAC has provided a useful forum for Dr. Trujillo to discuss and debate IHS Self-Governance issues prior to actual implementation of many key policies. A summary of the policies that are presently being discussed within the TSGAC are as follows:

Establishment of Self-Governance Base Budgets

During the IHS Self-Governance Tribes Spring Conference (April 1996), an agreement was reached on 1997 funding levels. The TSGAC identified base budgets from IHS funding as a top priority issue. With the approval by the OTSG, a joint Tribal/IHS Base Budget Technical Workgroup (BBTW) was formed in August to develop recommendations for establishing and implementing a Self-Governance recurring base funding.

Role and Authority of the OTSG

Extensive discussions have been held with Dr. Trujillo and Ms. Williams addressing the Tribe's view of the OTSG's role and authority expected by the Tribes during the IHS negotiations process and within the overall IHS organization. The TSGAC feels an advocate is needed to elevate the Director's positions of OTSG and IHS to levels outside the Department of Health and Human Services. The TSGAC has also supported a proposal for three additional PTE's to the OTSG staff and has advocated for attendance by both Ms. Williams and one TSGAC member at each IHS Council of Associate and Area Directors (CAAD) quarterly meetings.

Annual Funding Agreement Negotiation and Payment

The TSGAC reviewed the Title III Transition Team's (T3T) recommendations dated December 19, 1995. Although some portions of these T3T's recommendations were approved by Dr. Trujillo in April of 1996, the OTSG Director has requested further review and input from TSGAC prior to their implementation. The TSGAC's review resulted in updating T3T's

recommendations to more accurately reflect the original T3T's findings which were included in the December 19, 1995 recommendations. These updated recommendations were discussed during an Executive Session with Dr. Trujillo and final decision on the revised recommendations is pending.

Budget Formulation Issues

On November 13, 1996, several members of the TSGAC met with representatives of the Office of Management and Budget (OMB) to discuss the IHS budget formulation process and to provide Self-Governance input into this process. A follow-up meeting between OMB with the TSGAC Chairman and Vice-Chairman was held December 3, 1996 to discuss budget priorities for FY 1999.

Extension of Pilot Projects

The TSGAC has recommended the extension to all Self-Governance Tribes the IHS pilot involving: (1) indirect contract support costs; and, (2) the Inter-Agency Personnel Agreements (IPA's). The IHS Director agreed to extend the indirect contract support cost pilot project to the original fourteen Self-Governance Tribes, but has requested further analysis on the IPA pilot project.

Communication and Education

Dr. Trujillo has agreed to provide additional funding to the Communication and Education project for a one-year period. The funding will be used to provide regional workshops on Self-Governance with an emphasis on those areas with little or no participating Self-Governance Tribes.

Permanent Self-Governance Legislation

Several TSGAC members have participated on the Tribal Task Force for the drafting of proposed permanent legislation and have provided guidance on policy issues related to this draft legislation.

The TSGAC remains committed in its charge in representing Self-Governance

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Tribal Profile - Kawerak, Inc.



Every Self-Governance Tribe is a unique and sovereign government which plans, implements and operates their BIA programs in the methods that best fit their needs. This is certainly evident in the case of the Kawerak, Inc., under its BIA Self-Governance consortium agreement.

Formed in 1973, Kawerak, Inc., is a non-profit arm of the Bering Straits Native Association. This association, which is made up of IRA and Traditional Council representatives from the nineteen villages in the Norton Sound/Bering Straits region, was formed to gather support and advocate for settlement of the Alaska Land Claims Act.

Kawerak's primary concern is to provide services for the people of the Seward Peninsula and Norton Sound coastal area. This land is approximately 26,000 square miles; roughly from Shishmaref on the northern shore of the Seward Peninsula to Stebbins on the southern coast of the Norton Sound and encompassing the villages on St. Lawrence, King Island and Little Diomed Islands. The three culturally distinct groups of Alaskan Natives have lived in this remote

area for upwards of 10,000 years. The Inuit reside along the northern mainland and on the Diomed Islands; the Central Yupik are predominantly from the villages south of Unalakleet, while the

Although this may appear like normal-sounding divisions, the Kawerak Divisions also include unique programs like Eskimo Heritage, Reindeer Herders Association, and Village Planning.

Last year, Kawerak went through a reorganization and along with President Loretta Bullard, the Kawerak Board developed the Vision statement of "Building on the Inherent Strength of our Cultural Values, We Shall Empower our Tribes to Take Control of Their Future." The Vision Statement is part of the move by Kawerak to become less of a regional service provider and more of a training and technical assistance provider for the villages they serve.

Kawerak has been a BIA Self-Governance Tribe since 1992. In 1995, they began the difficult task of negotiating with non-BIA programs within the Department of Interior, including the National Park Service (NPS) and the Bureau of Land Management (BLM). From the Kawerak point-of-view, the negotiations have been long, tedious and not as successful as they would have wanted.

Initially, Kawerak wanted to Compact for funds to operate the Eskimo Heritage Program which was created in 1981 to preserve and record the Bering Strait Region's Inuit, Siberian Yupik and



Siberian Yupik live on St. Lawrence Island. The latter are very closely related culturally and linguistically to the Chukotka people of the Russian Far East.

Kawerak employs over 150 staff and encompasses the Divisions of Administration; Education/Employment/Training; Human and Family Services; Resources/Subsistence; and Tribal Affairs.



Southern Norton Sound Yupik, culture, history, knowledge and tradition. The particular activity at issue was the transcription and translation of approximately 500 language tapes, using Native speakers.

The National Park Service had funded past projects related to the cultural and geological history of the region.

Consequently, Kawerak's requests were not out of line. None-the-less, the NPS and BLM both were new to Self-Governance and some major stumbling blocks arose such as contract support costs. In addition, Kawerak believes the non-BIA agencies do not fully understand that Self-Governance provides for Tribal assumption of the program management versus an agency granting permission to operate specific activities.

Another major block in negotiations was the lack of, or acceptance of, a clear definition for inherently federal functions. Kawerak felt they spent over one and a half years educating the NPS about Indian law and encouraging the agency to accept the following principles:

1. *Treat us respectfully like a sovereign government.*
2. *Try something new.*
3. *Send someone to the table who has the authority to make decisions.*
4. *Give us complete information; i.e., financial and programmatic.*

While the work thus far has been slow, costly and frustrating for both parties, Kawerak experiences will serve to help smooth the way for other Tribes in the future. Kawerak is still optimistic about Compacting non-BIA funds and is very optimistic of the good services they can provide the Inuit and Yupik villages they serve.



Updates

Tribal Access to DOI-OSG Financial Database Expanded

The Department of Interior-Office of Self-Governance provided technical training to more than 50 designated Tribal representatives during the Fall DOI Self-Governance Conference in New Orleans. OSG Budget Analyst, Mary Nephew and OSG contracted computer programmer, Roger Barnes, trained the Tribal representatives how to use software, provided by OSG, to gain access to the DOI-OSG financial database.

The database provides authorized users the ability to dial in, via computer modem, and print up-to-the-minute reports on the status of their respective DOI-OSG funds. The database was developed during the Demonstration Project phase of Tribal Self-Governance in an effort to increase information-sharing from the DOI-OSG. The data is password protected to allow access by authorized Tribal users only.

Self-Governance Tribes which did not participate in the technical training but desire to participate in this program should contact the BIA Office of Self-Governance at 202/219-0240.

IHS Annual Funding Agreements To Be Analyzed

The Penobscot Indian Nation is assisting the Office of Tribal Self-Governance with a special project to analyze the 1997 Annual Funding Agreements for both fiscal and calendar year Tribes. Completion of this project will enable the OTSG to track the dollar amounts for buybacks and retained services by sub-sub activity for the Tribe, Area, Service Unit, and Headquarters levels.

Existing Distribution Methodologies for Contract Support, HIP and General Assistance to Remain in Effect for FY 1997

Assistant Secretary - Indian Affairs - Ada Deer announced that the BIA will continue to distribute funds for Contract Support, Housing Improvement Program (HIP) and Welfare Assistance (GA) by using the current distribution methodologies. This announcement is in response to the BIA notice in the Federal Register of September 4, 1996 calling for new distribution methodologies. Over 120 Tribes responded to the Federal Register notice with an overwhelming rejection of the proposed distribution alternatives.

In addition, many Tribes felt that it would be improper to make a one-time transfer of funds into a Tribe's TPA as the BIA programs are not currently funded at 100% of need. The Self-Governance Tribes will have their amounts in these three programs transferred (reprogrammed) directly to the Office of Self-Governance and then into the Tribe's AFA.

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Self-Governance is a Tribally driven initiative intended to provide Tribal governments more control over their own destinies. The project fosters the shaping of a "new partnership" between Tribal governments and the government of the United States. We believe that excellence in related communication and education is fundamental to the achievement of these goals.

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Update on the IHS (TSGAC) from page 5

Tribal interests and concerns. Copies of the TSGAC documents, recommendations and reports are available to all Self-Governance Tribes through the Communication and Education Project.

On a personal basis, I want to express my concern to all Self-Governance Tribes about issues which arose over negotiations with the Absentee Shawnee Tribe of Oklahoma's CY 1997 Annual Funding Agreement (AFA). During these negotiations, IHS continued to demand that the Absentee Shawnee Tribe of Oklahoma include language in its AFA in the format of a Title I-638 Contract. We took a firm stand in demanding that such language would not be allowed in the Absentee Shawnee Tribe of Oklahoma's AFA due to the principle that this is a Self-Governance issue and not a 638 contract. Our stand delayed the signing of the CY 1997 AFA until December 20, 1996, at which time an understanding was reached.

IHS Tribal Self-Governance Advisory Committee Members:

Alaska Area

- D - Ms. H. Sally Smith, President, Bristol Bay Area Health Corporation
- A - (Alternate - to be determined)

Bemidji Area

- D - Ms. Bernida Churchill, District III representative, Mille Lacs Band of Ojibwe Indians
- A - (Alternate - to be determined)

Billings Area

- D - Mr. Alvin Windy Boy, Sr., Vice-Chairman, Rocky Boy Chippewa Cree
- A - Mr. Michael T. Pablo, Vice-Chairman, Confederated Tribes of Salish & Kootenai

California Area

- D - Mr. Dale Risling, Chairman, Hoopa Valley Tribe
- A - (Alternate - to be determined)

Nashville Area

- D - Mr. Phillip Martin, Chief, Mississippi Band of Choctaw Indians
- A - Mr. Francis Mitchell, Governor, Penobscot Nation

Oklahoma Area

- D - Mr. Larry Nuckolls, Governor, Absentee Shawnee Tribe (TSGAC Chairman)
- A - Ms. Wanda Stone, Chairperson, Kaw Nation
- D - Mr. Greg Pyle, Assistant Chief, Choctaw nation of Oklahoma
- A - Mr. Bill Anoatubby, Governor, Chickasaw Nation

Phoenix Area

- D - Mr. Dennis Smith, Sr., Vice-Chairman, Duck Valley Shoshone Paiute Tribe
- A - Mr. Keith Honaker, Chairman, Duckwater Shoshone Tribe

Portland Area

- D - Mr. Henry Cagey, Chairman, Lummi Indian Nation (TSGAC Vice-Chairman)
- A - Mr. Hubert Markishnum, Chairman, Makah Tribe